

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	NO. D-3679
)	
OMAR SCHUSSELIN, M.D.)	L-45769
1148 S. Auburan Drive)	
West Covina, CA 91791)	
)	
Physician's and Surgeon's)	
Certificate No. AO-39922,)	
)	
Respondent.)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective May 1, 1992.

IT IS SO ORDERED April 1, 1992.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Theresa L. Claassen

THERESA L. CLAASSEN
Secretary/Treasurer

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OMAR SCHUSSELIN, M.D.)	L-45769
1148 S. Auburan Drive)	
West Covina, CA 91791)	
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Physician's and Surgeon's)	
Certificate No. A-039922,)	
)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before Robert A. Neher, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on January 27, 1992, at 9:00 a.m. Mark T. Roohk, Deputy Attorney General, represented the complainant. Respondent failed to appear at the time and place set for hearing, though notice thereof was served upon him as required by law. Documentary evidence was introduced and the record was left open for the complainant to supply a current license history certificate. On January 30, 1992, the same was received and admitted as Exhibit 2, in evidence. Thereafter, the matter was deemed submitted. The Administrative Law Judge finds the following facts:

I

Kenneth J. Wagstaff, made the Accusation in his official capacity as Executive Director of the Board of Medical Quality Assurance (now Medical Board of California).

II

Respondent Omar Schusselin, M.D. was issued physician's and surgeon's certificate number A-039922 by the Board on June 13, 1983. At all times mentioned herein, said license was in full force and effect. Said certificate is presently, and since August 31, 1990, has been, in a delinquent status due to nonpayment of renewal fees. Respondent's address of record with

III

On or about September 6, 1984, in the Superior Court of California, County of Los Angeles, in Case No. A372390, respondent was convicted after trial by jury of violating Penal Code Section 487.1 (grand theft), a felony involving moral turpitude and substantially related to the functions, qualifications and duties of a Board licensee. The jury also returned a special finding that the theft resulted in a loss exceeding \$25,000.00.

IV

Thereafter, on October 16, 1984, respondent was placed on formal probation for five (5) years subject to various terms and conditions, including restitution in the amount of \$54,000.00, a fine of \$3,500.00, and one day a week community service for two years.

V

The facts giving rise to said conviction are that respondent willfully, unlawfully and fraudulently appropriated Medi-Cal funds from and through his employer Southwest Mental Health Services.

VI

No evidence of mitigation or rehabilitation was introduced.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause exists to suspend or revoke respondent's certificate pursuant to Sections 7.5, 490, 2234 and 2236 of the Business and Professions Code, by reason of Findings III through V.

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Physician's and Surgeon's Certificate No. A-039922 heretofore issued to respondent Omar Schusselin, M.D., by the Board, is hereby revoked.

DATED: 11 FEB 98



ROBERT A. NEHER
Administrative Law Judge
Office of Administrative Hearings

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
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Deputy Attorney General
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5 Attorneys for Complainant

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8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)

NO. D-3679

13 OMAR SCHUSSELIN, M.D.)
1148 S. Auburan Drive)
14 West Covina, CA 91791)

ACCUSATION

15 Physician's and Surgeon's)
Certificate No. A-039922,)

16 Respondent.)
17)
18)

19 Complainant, Kenneth J. Wagstaff, alleges as follows:

20 1. He is the Executive Director of the Board of
21 Medical Quality Assurance, Department of Consumer Affairs, State
22 of California, and brings this accusation in his official
23 capacity.

24 2. Omar Schusselin, M.D. (hereinafter "respondent"),
25 was issued physician's and surgeon's certificate number A-039922
26 by the Board of Medical Quality Assurance (hereinafter "board")
27

1 on or about June 13, 1983. At all times pertinent hereto, said
2 certificate was and currently is in full force and effect.

3 3. Sections 2003 and 2004 of the Business and
4 Professions Code (hereinafter the "code") provide, in pertinent
5 part, that there is a Division of Medical Quality within the
6 Board of Medical Quality Assurance, responsible for the
7 enforcement of the disciplinary provisions of the Medical
8 Practice Act (ch. 5 of div. 2 of the Bus. & Prof. Code), the
9 administration and hearing of disciplinary actions, carrying out
10 disciplinary actions appropriate to findings made by a medical
11 quality review committee, the division or an administrative law
12 judge, and suspending, revoking or otherwise limiting
13 certificates after the conclusion of disciplinary actions.

14 4. Section 490 provides that the board may suspend or
15 revoke a license on the grounds of a conviction of a crime
16 substantially related to the qualifications, functions or duties
17 of a physician and surgeon.

18 5. Pursuant to section 2234, the Division of Medical
19 Quality shall take action against any licensee who is charged
20 with unprofessional conduct.

21 6. Sections 7.5, 490 and 2236 provide, in relevant
22 part, that the conviction of any offense substantially related to
23 the qualifications, functions, or duties of a physician and
24 surgeon constitutes unprofessional conduct.

25 7. Respondent has subjected his physician's and and
26 surgeon's certificate to discipline for unprofessional conduct
27 pursuant to sections 7.5, 490, 2234, and 2236 based on his


1 September 1984 felony conviction of grand theft, a violation of
2 Penal Code section 487.1, with the finding that the loss exceeded
3 \$25,000. Respondent's conviction occurred in Los Angeles County
4 Superior Court case number A-372390. This conviction is
5 substantially related to the practice of medicine in that it was
6 based on Medi-Cal fraud.

7 WHEREFORE, complainant requests that the Division of
8 Medical Quality hold a hearing on the matters alleged herein and
9 that, following said hearing, the Division issue a decision:

10 1. Revoking or suspending physician's and surgeon's
11 certificate number A-039922 issued to Omar Schusselin.

12 2. Taking such other and further actions as may be
13 deemed appropriate.

14
15 DATED: August 26, 1987.

16
17 
18 KENNETH A. WAGSTAFF
19 Executive Director
20 Board of Medical Quality Assurance
21 Department of Consumer Affairs
22 State of California

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26
27 Complainant